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August 25, 2005

VIA FAX – (601) 352-7757
and REGULAR MAIL
Ms. Betty Mallett
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201

Re: *Olivia Y. et al. v. Barbour et al.*

Dear Ms. Mallett:

I write in response to your letter of August 23, 2005, related to Defendants' incomplete production of documents in response to Plaintiffs' Fifth Request for Production of Documents.

As to Document Request no. 9, Plaintiffs will limit their request at this time to the provider and licensing files maintained by Defendants for the homes and facilities listed in the logs of maltreatment in care investigations at Bates DHS 053503-053529 (enclosed). We note that according to Gail Young's May 17, 2005, R. 30(b)(6) testimony, these provider and licensing files are maintained in the State Office or in the County Offices depending on the type of placement, and are not complete without the related MACWIS provider files (*see* Young depo 30:7-19; 31:4-7; 41:1-5)(enclosed). Please produce these documents by August 31, 2005. Plaintiffs reserve the right to pursue additional responsive documents as needed.

Further, as to the documents compelled by J. Nicols' July 18, 2005 Order, I note that your July 29, 2005 production did not include a current MACWIS report as testified to by Ms. Triplett and compelled by the Court. Moreover, as made clear by the logs regarding investigations of maltreatment in care referenced above that were produced pursuant to the Order, the related investigation reports are noted to have been received or printed from MACWIS by the State Office. These documents are clearly responsive to Request No. 35 of Plaintiffs' First Request for Production of Documents and should be immediately produced pursuant to the July 18, 2005 Order compelling such responsive documents.

I look forward to your immediate response to these pending deficiencies.

Sincerely yours,

Eric Thompson
Plaintiffs' counsel

Encls.

cc: Stephen Leech, Esq.
Wayne Drinkwater & Melody McAnally, Bradley Arant
John Lang, Loeb & Loeb



**Calendar Year 2005
MDHS
Foster Home Investigations**

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
02/08/05	02/08/05	Pearl River		Physical Abuse	04/05/05 Printed from MACWIS	No Evidence
				Physical Abuse		
03/07/05	03/29/05	Warren		Physical Abuse		
				Emotional Abuse/Neglect		No Evidence
03/31/05	04/19/05	Harrison		Emotional Abuse/Neglect	03/29/05	No Evidence
				Physical Abuse	04/19/05	No Evidence
03/31/05	05/04/05	Hinds		Sexual Abuse	05/04/05	No Evidence
				Sexual Abuse		No Evidence
03/31/05	05/04/05	Hinds		Sexual Abuse	05/04/05	No Evidence
04/07/05	04/18/05	Quitman		Physical Neglect	Printed from MACWIS 05/12/05	No Evidence
	05/25/05	R-Clay S-Oktibbeha			They were involved in a car accident. No investigation will be done.	
11/23/04	06/03/05	Harrison		Foster Children (Not specific) Emotional Abuse/Neglect	06/03/05	No Evidence

DHS
053503

Calendar Year 2005
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R -Responsible S -Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
06/16/05	06/17/05	R-Forrest S-Grenada	[REDACTED]	Physical neglect Physical Neglect		

Calendar Year 2004
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
10/23/03	08/09/04	Forrest		Physical Neglect	08/09/04	No Evidence
12/18/03	01/26/04	Pearl River			01/26/04	No Evidence
02/04/04	02/13/04	Jones		11/22/93	03/05/04	No Evidence
01/29/04	02/13/04	Forrest		11/22/93	02/24/04	No Evidence
02/28/04	02/20/04	R-E. Bolivar S-Humpreys		Phy Abuse	5/12/05 Printed from MACWIS	No Evidence
03/04/04	03/17/04	R-Rankin S-Lee		Physical & Emotional Abuse	03/17/04	No Evidence
04/12/04	05/17/04	Forest		Physical Neglect	05/17/04	No Evidence
04/06/04	04/27/04	R-Lafayette S-Pontotoc		Physical Abuse	04/27/04	No Evidence
04/19/04	04/21/04	R-Destoto S-Desoto		Sexual Abuse	07/27/04 Printed from MACWIS	CS-Evidenced
05/13/04	05/13/04	R-E. Bolivar		Alleged: Physical Abuse	05/13/05 Verbal from RD	CA-Evidenced
06/15/04	08/05/04	R-Leake S-Warren		Alleged: Physical Abuse	08/05/04	No Evidence

DHS
053505

Calendar Year 2004
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
06/25/04	07/22/04	Forrest R-Marion S-Jones		Alleged: Sexual Abuse Alleged: Physical Neglect	07/22/04	No evidence
06/28/04	09/29/04	R-Washington R-Washington		Alleged: Sexual Abuse	09/29/04	No Evidence
07/06/04	10/19/04	George		Physical Abuse	10/19/04	No evidence
07/30/04	09/24/04	R-Warren S-Hinds		Physical Abuse	09/24/04	No evidence
08/23/04	10/11/04	Tunica		Physical Abuse	10/11/04	No Evidence
				Physical Neglect/Abuse, Emotional abuse/neglect		
				Physical Neglect		
				Physical Abuse/Neglect		
08/27/04	08/27/04	R-Winston S-Warren		Physical Neglect	08/29/04	No Evidence
09/03/04	09/24/04	Warren		Alleged: Physical Abuse	09/24/04	No evidence
09/03/04	09/24/04	Warren		Physical Abuse	09/24/04	No evidence
				Physical Abuse		

DHS
053506

Calendar Year 2004
MDHS
Foster Home Investigations

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Agency Foster Home & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
09/24/04	09/27/04	R-Forrest S-Forrest		Alleged: Emotional Abuse/Neglect	10/08/04	No Evidence
10/04/04	02/09/05	Hinds		Physical Abuse	02/09/05	No Evidence
10/29/04	12/13/04	Forrest		Sexual Abuse	12/13/04	CS-Evidenced
10/18/04	10/18/04	Harrison		Sexual Abuse	12/01/04	No Evidence
11/03/04	02/09/05	Warren		Physical Abuse	02/09/05	No Evidence
11/04/04	11/19/04	Lamar		Physical Abuse	12/28/04	No Evidence
11/05/04	01/11/05	Warren		Sexual Abuse	01/11/05	No Evidence
12/21/03	12/29/04	DeSoto		Medical Neglect	05/13/05	No Evidence
				Sexual Abuse	Printed from MACWIS	No Evidence

CALENDAR YEAR 2003

MDHS

AGENCY (FOSTER) HOME INVESTIGATIONS

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R -Responsible S -Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
1/16/03	1/31/03	Union		[REDACTED] Alleged: Physical Abuse	1/31/03	No evidence on either victim
1/31/03	2/3/03	DeSoto		[REDACTED] Alleged: Physical Abuse	9/16/03	No evidence
1/31/03	2/3/03	DeSoto		[REDACTED] Alleged: Physical Abuse	9/16/03	No evidence
2/27/03	2/28/03	Alcorn		[REDACTED] Alleged: Sexual Abuse	3/19/03	CS Evidence - No Evidence - [REDACTED]
3/19/03	3/19/03	DeSoto		[REDACTED] Alleged: Physical Abuse	4/3/03	No evidence
4/9/03	4/10/03	Jones		[REDACTED] Alleged: Sexual Abuse	9/19/03	CE- Evidenced CA- No Evidence

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R -Responsible S -Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
2/19/03	4/14/03	Hancock	[REDACTED]	[REDACTED]	4/14/03	No Evidence of CN or CA toward any of the children
		Washington Copy of RD's letter to foster parents rec'd 5/27/03 re: "no evidence to substantiate allegations." Protection Unit had not rec'd notice of a report on this home.	[REDACTED]	Unknown. Copy of RD's letter only to the "foster parents" from McDaniel rec'd 5/27/03		
6/2/03	7/10/03	Pearl River	[REDACTED]	[REDACTED] Alleged: CN	7/10/03	No evidence
6/27/03		Prentiss	[REDACTED]	[REDACTED] Alleged: CA	7/30/03	No Evidence of CA

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R - Responsible S - Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
4/11/03		Coahoma	[REDACTED]	[REDACTED] Alleged: CS -	5/27/03 Rec'd only the RD's letter to the foster parents	No Evidence of CS
7/22/03		Tishomingo		[REDACTED] Alleged: CE / CA	8/11/03. Rec'd only the RD's letter to the foster parents	No Evidence of either allegation
6/26/03		Forrest		[REDACTED] Alleged: CA / CE / CN	8/18/03	Evidenced - CE only on [REDACTED] No Evidence CA/CN Violation of policy by using corporal punishment
6/2/03		Pearl River	[REDACTED]	[REDACTED] Alleged: AN	8/28/03	No Evidence
9/30/03	10/03/03	Pearl River, Region 6-N		[REDACTED] Alleged: Child Sexual	12/15/03	No Evidence

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R -Responsible S -Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
10/01/03	10/03/03	Forrest, Region 6-N		[REDACTED]	2/26/04 Copied from MACWIS	No Evidence on either child.
10/1/03	10/03/03	Forrest, Region 6-N		[REDACTED]	2/26/04 Copied from MACWIS	No Evidence on either child.
1/05/03		Jones, Region 6-N		[REDACTED]		CE Evidenced, CA-No Evidence, CA-No Evidence, CE-Evidenced, [REDACTED]
11/05/03	11/10/03	Pearl River, Region 6-N		[REDACTED] Alleged: Child Abuse [REDACTED] Alleged: Child Abuse	2/26/04 Copied from MACWIS	No Evidence on either child.
8/08/03	11/18/03	Forrest, Region 6-N		[REDACTED] Alleged: Child Abuse/Neglect	11/18/03	No Evidence
6/12/03	11/17/03	Jackson, Region 6-S		[REDACTED] Alleged: Child Abuse	11/17/03	No Evidence
11/12/03	11/24/03	Stone, Region 6-N		[REDACTED] Alleged: Child Abuse		Did not see in MACWIS
11/12/03	12/01/03	Washington, Region II		[REDACTED] Alleged: Physical Abuse	12/01/03	No Evidence

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County / Region R-Responsible S-Service	Agency Foster Home/ Alleged Perpetrator	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
11/18/03	12/01/03	Jackson, Region 6-S	[REDACTED]	[REDACTED] Alleged: Child Abuse/Neglect	12/01/03	No Evidence
10/09/03	12/04/03	Harrison, Region 6-S		[REDACTED] Alleged: Child Abuse	12/04/03	CA Evidenced- CA Evidenced-
12/08/03	12/11/03	Oktibbeha, Region 4		[REDACTED] Alleged: Child Abuse	12/15/03	CB Evidenced CB Evidenced CB Evidenced CB Evidence -
12/21/03	12/30/03	Desoto, Region I-W		[REDACTED] Alleged: Sexual Abuse	2/26/04 Copied from MACWIS	No Evidence
12/23/03	12/30/03	Marshall, Region I-W		[REDACTED] Alleged: Physical Abuse Alleged : Physical Abuse	2/26/04 Copied from MACWIS	No Evidence on either child.
12/08/03	12/16/03	Neshoba Region 4		[REDACTED] Alleged: Physical Abuse Alleged: Physical Abuse	12/16/03	CA-Evidenced, CA-No Evidence

DHS
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Yr: 2002 CPS OUT-OF-HOME INVESTIGATIONS
MDHS Agency (Foster) Homes

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpetrator	Children Involved/ Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
1/8/02		Walshall Reg. V	[REDACTED]	[REDACTED] (only alleged victim)	3/8/02	Alleged: physical & emotional abuse. No Evidence of A/N; but violation of agency policy on corporal punishment
1/2/02		Claiborne - R Hinds - S Reg. 5		[REDACTED] (only alleged victim)	3/22/02	Alleged Sexual abuse No Evidence
1/10/02		Forrest Reg. 6 N		[REDACTED] (only alleged victim)	4/15/02	Alleged Physical Abuse No Evidence of CA; violation of agency policy.
3/14/02		Hinds Reg. 7		[REDACTED] (only alleged victim)	4/23/02	Alleged Physical Abuse No Evidence
3/14/02		Hinds Reg. 7		[REDACTED] (only alleged victim)	4/23/02	Alleged Physical Abuse No Evidence
4/22/02	MACWIS prints rec'd 5/13/02	Jones VI-N		[REDACTED]	5/1/02	Alleged Physical Abuse No Evidence - no victim

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Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpetrator	Children involved/ Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
5/28/02	6/10/02 by MACWS screen prints	Pearl River Reg. VI-N		Alleged: Physical abuse		
?	6/10/02	Hancock Reg. VI N		Alleged: foster mother whipped with her hand & made siblings stand against the wall w/head leaning on it	6/24/02	NO EVIDENCE. Concerns noted and recommendations made by RD - Zedie Rogers.
5/3/02		County? Reg. V		Alleged: Physical Abuse	7/8/02	EVIDENCE

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/Region R- Responsible S- Service	Agency Foster Home/ Perpetrator	Children Involved/ Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
8/20/02		Harrison		[REDACTED] All left in car w/ windows rolled up. Use of corporal punishment.	9/16/02	EVIDENCE -CN - all children. All removed.
8/8/02		Harrison		[REDACTED] Alleged: Physical abuse	9/25/02	No Evidence - both children
11/7/02	11/8/02	Storrie		[REDACTED] Alleged: Physical Abuse		
10/17/02		Hancock		[REDACTED] Alleged: physical abuse and neglect	11/20/02	No Evidence
11/5/02		Lee I-E		[REDACTED] Alleged: Physical Abuse	11/27/02	Evidence

**Calendar Year 2005
Out-of-Home
Facility Investigations**

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Facility & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
01/05/05	05/09/05	W Chickasaw		Physical Abuse	05/09/05	No Evidence
01/21/05	05/09/05	Clay		Physical Neglect	05/03/05 09	CN-Evidenced
02/25/05	05/09/05	Pontotoc		Physical Neglect	05/09/05	No Evidence
04/15/05	04/28/05	R-Rankin S-Jones		Physical Abuse		
06/08/05	06/08/05	George		Physical Neglect	Referred to Health Department and Law Enforcement	

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**Calendar Year 2004
Out-of-Home
Facility Investigations**

Date MDHS Received Report	Date Reported to State Office	County R-Service (if different)	Facility & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
01/05/04	01/14/04	Pontotoc		Physical Abuse	01/14/04	No Evidence
01/06/04	01/06/04	Stone		Sexual Abuse	Screened law En	out referred to enforcement
12/17/03	01/15/04	Pontotoc		Physical Abuse	01/15/04	No Evidence
01/22/04	03/30/04	Pearl River		Physical & Emotional Abuse	04/30/04	CA-Evidenced CE-Evidenced
02/05/04	02/26/04	Chickasaw W		Emotional & Physical Abuse	Printed 6-22-05	CE CA Evidenced
02/26/04 1/30/04	02/26/04	R-Pearl River S-Madison		Sexual Abuse	Printed 6-22-05	CS Evidenced
03/01/04	03/01/04	Madison		Sexual Abuse	Screened out.	
03/08/04	04/05/04	R-Monroe S-Pontotoc		Sexual Abuse	04/05/04	No Evidence
03/11/04	04/05/04	Pontotoc		Physical Abuse	04/05/04	No Evidence
03/23/04	04/12/04	R-DeSoto S-Pontotoc		Physical Abuse Physical Neglect	04/12/04	No Evidence
04/08/04	04/08/04	George		Physical Abuse	Screened out referred to law enforcement & health dept	
04/13/04	04/23/04	R-Winston S-Pontotoc		Physical Abuse	04/23/04	No Evidence

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**Calendar Year 2004
Out-of-Home
Facility Investigations**

Date MDHS Received Report	Date Reported to State Office	County R-Responsible S-Service (if different)	Facility & Alleged Perpetrator	Child(ren) Involved DOB & Allegations	Date State Office Received Investigative Report	Findings
04/23/04	05/14/04	S-Pontotoc		Physical Abuse	05/14/04	No Evidence
05/19/04	07/07/04	S-Pontotoc R-Union		Physical Abuse	07/20/04 Printed from MACWIS	No Evidence
06/08/04	07/07/04	Pontotoc		Physical Abuse	07/20/04 Printed from MACWIS	No Evidence
06/15/04	08/05/04	Warren		Physical Abuse	08/05/04	No Evidence
06/17/04	06/17/04	Alcorn		Physical Abuse	Printed 6-22-05	No evidence
06/22/04	06/24/04	Hinds Pearl River		Sexual Abuse	08/05/04	No Evidence
09/21/04	10/15/04	R-Rankin S-Coahoma		Sexual Abuse	10/15/04	CS-Evidenced

**CALENDAR YEAR 2003
OUT OF HOME
FACILITY INVESTIGATIONS**

Date County Rec'd Report	Date Incident Reported to S. O.	County/Region R-Responsible S-Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
	1/8/03	Madison, Winston, Rankin, Warren Hinds - S		[REDACTED] Alleged: Sexual misconduct		Screened Out
1/16/03	2/6/03	Pontotoc		[REDACTED] Alleged: Physical Abuse	2/6/03	No Evidence
1/23/03		SIMPSON		[REDACTED] Alleged: Physical Abuse	2/7/03	No Evidence
2/21/03	2/21/03	GEORGE		No Victim Identified Alleged: Neglect/Abuse		Did not see in MHCWIS

Date County Rec'd Report	Date Incident Reported to S. O.	County/Region R-Responsible S-Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
?	3/11/03	HINDS		<p>Alleged: Victim said on 3/7/03, [REDACTED] grabbed her butt. Also, said on 3/9/03, he rubbed a banana across her breast.</p> <p>Pearl River child</p>		Did not see [REDACTED]
3/25/03	4/1/03 CS	FORREST Reporter: SMCC staff via letter to Licensure Unit			9/19/03	CS: Evidenced Victim: [REDACTED]
? 5/29/03	5/30/03	HOLMES Reporter: [REDACTED]		<p>Alleged: Baby taken to Dr. 5/29/03 w/fracture leg. Dr feels it was an unfortunate accident. Baby was born premature, blind, lung disorder which requires oxygen. Oxygen cord wrapped around baby's leg. There is another medically fragile 2 yr old in this home.</p>	Printed from MACWIS 11/24/03	No Evidence
6/4/03	6/26/03	PEARL RIVER		<p>Victim said [REDACTED] hit him in the mouth. Victim had a busted lip.</p>	6/26/03	Finding: Evidence - CA

Date County Rec'd Report	Date Incident Reported to S. O.	County/Region R- Responsible S-Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
6/25/03	6/25/03	HINDS	[REDACTED]	Witnesses said [REDACTED] was sitting on [REDACTED] lap on the bus and was fingering her. They admit they have engaged in sex. [REDACTED] is in custody of Lauderdale and [REDACTED] in custody of Madison Co.		Screened Out
6/17/03	6/25/03	JONES	[REDACTED]	Numerous concerns reported: (1) Arranges visits with sponsors away from home. (2) Clothing out of season; don't fit. (3) Shoes to tight caused blisters on feet. (4) Medication not dispensed properly; medical attn. not sought		Did not see in MACWIB
?	7/28/03	HINDS	[REDACTED]	Alleged: [REDACTED] choked [REDACTED] grabbed him by the throat and hit him in the chest. Happened Fri. or Sat.		Did not see in MACWIB

Date County Rec'd Report	Date Incident Reported to S. O.	County/ Region R- Responsible S -Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
5/2/03		PONTOTOC		[REDACTED] Alleged: CE / CN	6/6/03 Rec'd only the RD's letter to the facility	No Evidence of either allegation
? Unable to pull up report in MACWIS		PONTOTOC		[REDACTED] Alleged: CA. Can't pull up report in MACWIS	6/18/03 Rec'd only the RD's letter to the facility	No Evidence
?		PONTOTOC		[REDACTED] Alleged: Unknown Can't pull up report in MACWIS	7/7/03 Rec'd only the RD's letter to the facility	No Evidence
7/21/03		W. Chicasaw		[REDACTED] Alleged: CE/CA - Alleged: CS/CE/CA -	8/12/03 Rec'd only the RD's letter to the facility	No Evidence
5/16/03		JONES		[REDACTED] Alleged: Physical & Sexual Abuse	8/18/03	No Evidence of either allegation

Date County Rec'd Report	Date Incident Reported to S. O.	County/ Region R- Responsible S -Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
8/14/03		PONTOTOC		[REDACTED] Alleged: Physical Abuse	8/28/03	No Evidence
8/11/03	9/02/03	Itavamba, Region I-E		[REDACTED] Alleged: Medical Neglect	9/02/03	No Evidence
8/14/03	9/04/03	Pontotoc, Region I-E		[REDACTED] Alleged: Physical Abuse	9/04/03	CA: Evidenced Victim: [REDACTED]
9/11/03	9/23/03	Pontotoc, Region I-E		[REDACTED] Alleged: Sexual Abuse	9/23/03	CS: Evidenced Victim: [REDACTED]
9/18/03	10/16/03	Pontotoc, Region I-E		[REDACTED] Alleged: Physical Abuse	10/16/03	No evidence
10/13/03	10/19/03	Pontotoc, Region I-E		[REDACTED] Alleged: Physical Abuse	10/29/03	No evidence
9/09/03	9/22/03	Hinds, Region VII		[REDACTED] Alleged: Child Neglect	No info	
9/09/03	9/22/03	Hinds, Region VII		[REDACTED] Alleged: Child Neglect	in	

Date County Rec'd Report	Date Incident Reported to S. O.	County/Region R- Responsible S- Service	Facility / Alleged Perp	Children Involved & Allegations	Date S.O. Received Investigative Report	Findings (& Victim, if Evidenced)
9/09/03	9/22/03	Hinds, Region VII		[REDACTED] Alleged: Child Neglect	Disputed NACWLS	
11/18/03	11/18/03	Lincoln, Region V		[REDACTED] Alleged: Sexual Abuse [REDACTED] Alleged: Sexual Abuse	Screened out - ANL REPORT NOT DOCUMENTED	
10/17/03	11/17/03	Pontotoc, Region I-E		[REDACTED] Alleged: Sexual Abuse	11/17/03	No Evidence
10/01/03	10/02/03	Desoto, Region I-W		[REDACTED] Alleged: Physical Abuse	1/20/04	No Evidence
10/13/03	10/15/03	Desoto, Region I-W		[REDACTED] Alleged: Physical Abuse	1/20/04	CA-Evidenced
1/06/04	1/06/04	Stone, Region 6-N		[REDACTED] Alleged: Child Sexual		
10/14/03	10/14/03	Humphreys, Region II		[REDACTED] Alleged: Child Abuse Physical	6-22-05 NACWLS	No Evidence
11/12/03	11/24/03	Stone, Region 6-N		[REDACTED] Alleged: Child Abuse	05/13/05	No Evidence
11/18/03	12/24/03	Pontotoc, Region I-E		[REDACTED] Alleged: Sexual Abuse	12/24/03	No Evidence

**Yr: 2002 CPS OUT-OF-HOME INVESTIGATIONS
FACILITIES**

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/ Region	Facility/ Perp	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
	1/28/02 CN	Desoto 1W		(alleged: not taken to doctor)	9.16.03	No evidence
	1/30/02 CN	Hinds 7		(alleged: lack of supervision)		
1-24-03	1/24/02 CA	Hinds 7		(alleged: teachers threw him down - has bruises on arms, upper back & chest)	Printed from Macwiz ⁰³ 11-24-03	No evidence
	2/4/02 CS / CN	E. Chickasaw 1E		(alleged: perp admitted he put his pants in [redacted] mouth)		
3/5/02		Simpson 5		(Alleged: sexual abuse by resident)	3/13/02	No Evidence. However, staff violated "bathroom policy" re: supervision

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/ Region	Facility/ Perp	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
5/6/02	5/8/02	Lee	[REDACTED]	[REDACTED] Allegation: Sexual intercourse with [REDACTED] about 20 times at [REDACTED] home, and once at [REDACTED] over the last 6 months.	5/21/02 MACWIS screen prints rec'd	EVIDENCED - CS [REDACTED] - victim
	7/ ? /02	Simpson Reg. 5		[REDACTED] Alleged: Physical Abuse - [REDACTED] in right eye, that caused bruising.	5/2/02	EVIDENCED - CA Victim: [REDACTED]
4/1/02		Natchez Reg 5		[REDACTED] Alleged: Physical Abuse. Dir. shoved a door into [REDACTED] head.	5/2/02	NO EVIDENCE
not stated		Webster Reg. 1 E		[REDACTED] not an MDHS facility.	5/13/02	n/a
not stated	5/22/02 [REDACTED] reporter	Rankin Reg 3		[REDACTED] Alleged: two residents witnessed [REDACTED] touching [REDACTED] private part as he lay naked on her bed. He was screaming "I want my mommy"		

Date County Rec'd Report	Date/Type "Incident" Reported to S.O.	County/ Region	Facility/ Perp	Children Involved / Allegations	Date S.O. Received Investigative Report	Findings (& Victim if Evidenced)
5/9/02	5/10/02	Hancock 6 S		Perp coerced two sixteen-year old girls (not in DHS' custody) to have sex with him. The staff member was transporting [redacted] a foster child) to visit family to MS.		Protection Unit director suggested report be filed with law enforcement as an Out of Home and Licensure
?	6/27/02 [redacted] called Gail Young)	Jackson 6 S		Children had been hit with pans; put on restriction for 3 weeks & allowed to come out only for meals. [redacted] (ASWS-Jackson Co) wife is director of Bacot. [redacted] has been making DHS supervisory visits with the children.		
7/24/02	7/23/02 to Hotline	Pearl River		[redacted] Alleged: several occasions of oral sexual activity	9-19-03	Evidenced
7/15/02 9/1/02	9/27/02 memo from [redacted] 9/27/02	Benton/ Marshall Co 1-W SAME		[redacted] Alleged: Lack of Supervision; Neglect Similar allegations	9/27/02 same	Evidence Evidence
9/23/02	10/30/02	Covington 6N		[redacted] Alleged: Houseparent physically assaulted [redacted] on two occasions.	10/30/02	No Evidence

[illegible]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS,

VS.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, et al.

DEFENDANTS.

30(b)(6) DEPOSITION OF GAIL YOUNG

Taken at the offices of Bradley, Arant, Rose & White, LLP,
on May 16, 2005, beginning at 1:34 P.M.

REPORTED BY:

REBECCA A. KIDDER

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<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 ERIC E. THOMPSON, ESQUIRE</p> <p>4 TARA S. CREAM, ESQUIRE</p> <p>5 Children's Rights</p> <p>6 404 Park Avenue South</p> <p>7 New York, New York 10016</p> <p>8 Telephone: 212.683.2210</p> <p>9 Fax: 212.683.4015</p> <p>10 ATTORNEYS FOR PLAINTIFFS</p> <p>11</p> <p>12 BETTY A. MALLET, ESQUIRE</p> <p>13 McGlinchey Stafford, PLLC</p> <p>14 Skytel Centre South, Suite 1100</p> <p>15 200 South Lamar Street</p> <p>16 Jackson, Mississippi 39201</p> <p>17 Telephone: 601.960.8424</p> <p>18 Fax: 601.960.8431</p> <p>19 ATTORNEY FOR DEFENDANTS</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 STIPULATION</p> <p>2 It is hereby stipulated and agreed by and between the</p> <p>3 parties hereto, through their respective attorneys of record,</p> <p>4 that this deposition may be taken at the time and place</p> <p>5 hereinbefore set forth, by Rebecca A. Kidder, Court Reporter and</p> <p>6 Notary Public, pursuant to the Mississippi Rules of Civil</p> <p>7 Procedure, as amended;</p> <p>8 That the formality of READING AND SIGNING is</p> <p>9 specifically NOT WAIVED;</p> <p>10 That all objections, except as to the form of the</p> <p>11 questions and the responsiveness of the answers, are reserved</p> <p>12 until such time as this deposition, or any part thereof, may be</p> <p>13 used or is sought to be used in evidence.</p> <p>14 ---</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 T-A-B-L-E O-F C-O-N-T-E-N-T-S</p> <p>2 Examination By: Page</p> <p>3 MR. THOMPSON 5</p> <p>4 Exhibits:</p> <p>5 54: Placement log 8</p> <p>6 55: Quality Improvement report on in-home cases 58</p> <p>7 Stipulation 4</p> <p>8 Certificate of Court Reporter 72</p> <p>9 Witness Signature Sheet 73</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1 GAIL YOUNG</p> <p>2 having been first duly sworn, was</p> <p>3 examined and testified as follows:</p> <p>4</p> <p>5 EXAMINATION</p> <p>6 MR. THOMPSON:</p> <p>7 Q. Good afternoon, Ms. Young. As you know my name</p> <p>8 is Eric Thompson. I'm here with Ms. Tara Cream. We both</p> <p>9 represent plaintiffs in the matter of Olivia Y. v Barbour. Do</p> <p>10 you understand that you're here today to give sworn testimony in</p> <p>11 that matter?</p> <p>12 THE WITNESS:</p> <p>13 A. Yes.</p> <p>14 Q. What is your current position with DHS?</p> <p>15 A. I'm a Division Director II.</p> <p>16 Q. I'm showing you what's been previously marked as</p> <p>17 Exhibit 33 at page four and subsequently. Do you see Exhibit A</p> <p>18 there?</p> <p>19 A. Yes.</p> <p>20 Q. Have you reviewed this notice of deposition and</p> <p>21 the subject matters enclosed in Exhibit A?</p> <p>22 MS. MALLET:</p> <p>23 I think you gave her the wrong one.</p> <p>24 MR. THOMPSON:</p> <p>25 Q. I'm sorry. Let me show you what's been</p> <p>STATE-WIDE REPORTERS (228) 432-0770</p>

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1 file?

2 A. Yes.

3 Q. You mentioned that some of the adoption staff are
4 located outside of the state office. Does that include the
5 licensing specialists?

6 A. Yes.

7 Q. As a result, do the licensing specialists
8 maintain any foster care resource files outside of the state
9 office placement unit?

10 A. They do maintain duplicates of the foster homes
11 but not of the child placing agencies and the licensed child
12 care facilities and those licensing specialists are located in
13 the state office for the group facilities.

14 Q. And as to the foster homes, when you say they
15 maintain duplicates does that mean that there is, at the state
16 office, a complete paper file maintained on all those resources?

17 A. Actually the state file is the duplicate. The
18 state file may not contain all of the information that the local
19 level has.

20 Q. How many licensing specialists are there
21 currently?

22 A. Around 12, I believe.

23 Q. And they're assigned statewide?

24 A. Yes.

25 Q. Are they located principally at regional offices
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1 or also at the county offices?

2 A. Probably more so in the county offices. There
3 could be a few at the regional offices.

4 Q. Does each licensing specialist maintain their own
5 set of files as to the resources that they're responsible for
6 monitoring?

7 A. Yes.

8 Q. Is there a process for the information from those
9 files being incorporated into the files that were kept at the
10 placement unit at the state office?

11 A. There is certain information that's required to
12 be sent to the state office.

13 Q. Is it the placement unit staff in the state
14 office that enters into MACWIS information on the placement
15 resources?

16 A. For the residential it is; for the residential
17 childcare facilities and child placing agencies. The state
18 office staff enters in that information.

19 Q. And then for the foster homes is it the licensing
20 specialists that are assigned throughout the state to enter that
21 information?

22 A. Yes.

23 Q. Are there some counties or regions that don't
24 have a licensing specialist assigned?

25 A. The specialists can be assigned more than one
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1 county.

2 Q. Are there currently any counties that don't have
3 a licensing specialist assigned?

4 A. Right now with the foster adopt, it's kind of the
5 adoption specialist and licensing specialist.

6 Q. You said you have approximately 12 licensing
7 specialists throughout the state; is that correct?

8 A. That's correct.

9 Q. How many foster adopt personnel do you have?

10 A. Probably about 15 in the adoption plus the 12
11 licensing and prior to that those duties were covered by county
12 social workers in some cases.

13 Q. Currently though, does each county have either a
14 licensing specialist or one of these foster adopt personnel
15 assigned to it to license foster homes?

16 A. They would be assigned through the adoption
17 administration; yes.

18 Q. To your knowledge, each county has someone
19 assigned to it for licensing besides a case worker?

20 A. Yes.

21 MR. THOMPSON:

22 Why don't we take a break here?

23 (WHEREUPON A SHORT RECESS WAS TAKEN.)

24 MR. THOMPSON:

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1 Q. Are the foster home files that are
2 maintained by the licensing specialists limited to those foster
3 homes licensed by DHS?

4 THE WITNESS:

5 A. Yes.

6 Q. So do they keep any files on child specific
7 foster homes approved by the youth court?

8 A. They would all be maintained in the same
9 locations as their licensed foster home.

10 Q. Let me show you what's been previously marked
11 Exhibit 51. Do you recognize this to be a MACWIS report on
12 children in placement by placement type?

13 A. Yes.

14 Q. Under the column labeled 'child specific relative
15 home,' are these homes that would have files maintained by the
16 licensing specialist?

17 MS. MALLETT:

18 I'm going to object. She was to testify to paper
19 files.

20 THE WITNESS:

21 A. The foster homes would be maintained by the
22 licensing specialist, and the child specific relative homes
23 would be maintained in the child's county file by the social
24 worker.

25 MR. THOMPSON:

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9 (Pages 30 to 33)

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1 Q. Besides looking up the files for the
2 children placed in any given foster home, is there any other way
3 that face-to-face contacts with the foster care provider may
4 have occurred that may have been completed by a case worker and
5 would be documented in the foster home file?

6 A. Usually not.

7 Q. Are you aware of any tracking by your staff of
8 whether or not foster care providers are receiving monthly face-
9 to-face contacts as required?

10 A. We do not track that.

11 Q. As to group homes and other facilities licensed
12 by DHS, how often do those licenses need to be renewed?

13 A. Annually.

14 Q. Does that re-evaluation process include a psych
15 visit?

16 A. Yes. It does.

17 Q. That psych visit would be completed by the
18 licensing staff?

19 A. Yes; not the licensing specialists that are out
20 there in the county offices. There are two program specialists
21 in the state office that do that.

22 Q. Those are the staff specifically responsible for
23 the residential facilities?

24 A. That's correct.

25 Q. Besides the annual re-licensing visit, are there
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1 any other requirements for psych visits of DHS licensed
2 facilities?

3 A. There are no requirements. They do make other
4 visits if there are changes or somebody reports they're changing
5 or they might want to change their structure or their number or
6 something like that.

7 Q. Might they also make additional visits if there
8 had been a report of an allegation of abuse and neglect in a
9 facility?

10 A. They do not investigate allegations, but they do
11 follow-up if the investigator recommends or has findings and
12 there might be something they may need to follow-up.

13 Q. Would all their psych visits be documented in the
14 facility's paper files maintained by the placement unit?

15 A. Yes.

16 Q. On the issue of reports of maltreatment and care,
17 the placement unit staff are not responsible for investigating
18 those reports; is that correct?

19 A. That's correct.

20 Q. Would they receive any written information as to
21 those reports?

22 A. The reports are primarily in MACWIS now.

23 Q. Is there any process for the licensing
24 specialists to be notified when a report has been made regarding
25 an allegation of abuse and neglect in a foster home?

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1 A. I believe there is a procedure for that.

2 Q. Do you know what that procedure is?

3 A. It's a phone call usually. Usually, it's
4 reported to the regional director and the regional director is
5 the one that notifies and assigns the person who's going to
6 investigate.

7 Q. Would one of the responsibilities of the regional
8 director be to forward the information to the placement unit?

9 A. That's right.

10 Q. Would that information be filed with the provider
11 in the provider's case file?

12 A. It may or may not.

13 Q. Is there any reason why it wouldn't be filed
14 there?

15 A. Primarily it's maintained in MACWIS now.

16 Q. Is all the information that's in the paper case
17 files also maintained in MACWIS?

18 A. Not all of them. Are you talking just about
19 investigations?

20 Q. No. I'm referring to all the information in the
21 paper provider files? Is that now information that's also
22 maintained in MACWIS?

23 A. Not necessarily. You may have documents entered
24 in electronically, but the actual documents would be in the
25 paper files.

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1 Q. As director of the placement unit which
2 would you consider the authoritative source for information as
3 to the license providers? Is it the paper case provider files
4 or is it MACWIS?

5 A. It has to be a combination of both.

6 Q. Is there some information in MACWIS that's
7 actually not in the paper provider files?

8 A. Yes.

9 Q. What types of information?

10 A. You're talking about just the resource files now;
11 not child's files?

12 Q. Correct; the provider's files.

13 A. Basically, with the foster homes, there may be
14 some training exercises and materials, certificates of training,
15 those dates would be documented in MACWIS, but the actual
16 certificates and exercises that they completed, there might be
17 actual letters of references that might be in the paper file,
18 they would be documented in MACWIS, but the actual letter itself
19 would not be in there.

20 Q. You mentioned that some of these maltreatment
21 reports as to foster care providers might actually be entered in
22 MACWIS and not make it into the paper case file, into the
23 provider's file?

24 A. It's my understanding that could happen because
25 basically everything that's documented is in MACWIS.

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11 (Pages 38 to 41)

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